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SUBJECT: EU FAILS TO AGREE ON NEW EUROPOL DIRECTOR

REF: USEU BRUSSELS 1929

SUMMARY

1. EU Ministers for Justice and Home Affairs (JHA) on June 8 failed to reach the necessary consensus on who will be the Director of EUROPOL as from July 1, 2004. Ministers reached complete agreement on the principle of mutual recognition of confiscation orders. JHA Commissioner Vitorino reported on the Commission's assessment of the five-year EU "Tampere program" for creating an area of freedom, security and justice. The Irish Presidency reported on the Dublin Conference that launched discussions on the future EU Drugs Strategy for 2005-2012. Full text of the JHA conclusions has been forwarded to EUR/ERA. Counter-terrorism and immigration issues will be reported SEPTEL(s). END SUMMARY.

NEW EUROPOL DIRECTOR

2. EU Ministers for Justice and Home Affairs Ministers at their June 8 Council meeting in Luxembourg failed to decide who would be the Director of EUROPOL as from July 1, 2004. The incumbent, Germany's Jrgen Storbeck, whose term finishes at the month's end, is seeking a renewal of his mandate with the backing of his government. Jacques Franquet, Director of the international and technical cooperation service in the French police, is said to be the front-runner but does not attract the required consensus. Italian officer Emanuele Marotta is also in the running though some EU officials say that the race is actually between the French and German candidates.

3. Irish Justice Minister/Council chair McDowell told his post-Council press conference -- the last of his six-month term in office -- the Presidency would pursue its efforts to secure a resolution of the issue for the next two weeks. He noted that if the position remains vacant on July 1, Storbeck's deputy would take over in an interim capacity in line with a provision in EUROPOL's statute. Some observers speculated that the issue might be referred to EU leaders next week but McDowell did not raise this prospect, saying that any EU Council meeting could formalize an agreement before the month's end. He conceded that failure to fill the position could affect EUROPOL's credibility. Dutch Interior Minister and upcoming Council chair Remkes, obviously unwilling to inherit the problem next month, went further to describe the Council's deadlock as "a complete disgrace."

4. Some sources at the meeting said German Interior Minister Schily consider accepting the French candidate if the post of Director General for JHA in the Council (now in Belgian hands) was offered to a German.

MUTUAL RECOGNITION OF CONFISCATION ORDERS

5. The Council confirmed its political agreement on the entire text of a Framework Decision on the application of the principle of mutual recognition of confiscation orders. Under this piece of legislation, a Member State is obliged to recognize and execute in its territory confiscation orders issued by a court of another Member State competent in criminal matters. The body of the draft had been agreed at the April 29 JHA Council meeting (REF.A). A certificate annexed to the instrument that will be used for the submission of requests for recognition of confiscation orders was subsequently approved at the level of the EU PermReps, thus enabling the Council to meet the June 2004 deadline set by EU leaders for adoption of this measure.

ASSESSMENT OF TAMPERE PROGRAM

16. JHA Commissioner Vitorino reported on the Commission's assessment of the five-year EU "Tampere program" for creating an area of freedom, security and justice and proposals for future priorities. The assessment (summary forwarded to EUR/ERA) is generally positive, noting substantial progress in most JHA areas while pointing to the institutional constraints in this area under the current EU treaties. Irish officials, who were able to record several achievements over the past few months, made it clear the identification of future priorities was a matter for the upcoming Dutch Presidency.

FOLLOW-UP TO DUBLIN CONFERENCE ON DRUGS

17. The Irish Presidency reported on the Dublin Conference on "EU Strategy on Drugs - The Way Forward" held May 10-11 with the aim of providing an opportunity for Member States to exchange views on the 2005-2012 EU Drugs Strategy. The Presidency said it was generally agreed at the conference that the strategy should be based on a balanced and multidisciplinary approach, on scientific evidence, on respect for the EU principles of subsidiarity and proportionality, and on providing added value in relation to the activities undertaken at national level.

SCHNABEL